IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Civil Special Appeal No. 33 of 2003

Pravin Kumar Jha, S/o Sri Prem Kant Jha,
Presently posted as Physical Education Teacher (T.G.T.),
In Vidya Mandir Inter College,
Sector V, B.H.E.L., Ranipur,
Haridwar …… Appellant

Versus

Union of India,
Through its Secretary,
Central Secretariat, New Delhi
and others ……. Respondents

Mr. Pankaj Miglani, Advocate for the Appellant.
Mr. V.K. Kohli, Advocate for respondent No. 2, 3 & 5.
Mr. N.B. Tiwari, learned Chief Standing Counsel for respondent No. 4.

Coram: Hon. S. H. Kapadia, C.J.
Hon. M.M. Ghildiyal, J.
Dated: 08.12.2003:

PC:

This appellant had filed writ petition No. 25066 of 1999 before the Allahabad High Court. That writ petition has now been transferred to this Court. The writ petition was filed against the Educational management Board for not promoting the original petitioner to the post of Post-Graduate Teacher. It is the grievance of the original petitioner in this appeal that there is no rule framed by the Board stating that only candidates securing 50% or more marks in the selection process on the basis of ACR, performance report and interview shall be promoted. There is no merit in this argument. Candidates for the post of Post-Graduate Teachers have to be selected by Departmental Promotion Committee (D.P.C.). The norms of Departmental Promotion Committee (D.P.C.) are indicated by the exercise, which they undertook for the year 200, in which the original petitioner participated. In order to satisfy our conscious, we called for the files indicating the exercise undertaken by Departmental

Promotion Committee (D.P.C.). We have gone though the files. The original petitioner did not secure 50% marks. We also find that no candidate securing less than 50% marks has been promoted.

Hence, the appeal is dismissed.

(M.M. Ghildiyal, J.) **(S.H. Kapadia, C.J.)**

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